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REMARKS

In the Office Action that was mailed February 28, 2007, the Examiner rejected claims 1-20 and also provisionally rejected claims 1-20. The Examiner further requested that the Applicant make certain changes to the specification. Applicant has amended claims 1, 8 and 14, canceled claims 7 and 20, and amended the specification. The amendments add no new matter. Claims 1-6 and 8-19 remain pending. Applicant respectfully requests reconsideration in view of the amendments above and the following remarks.

Specification

The Examiner requested that the specification be reviewed for informalities, including typographical errors. (Office Action, page 2). Applicant has reviewed the specification and does not note any informalities.

The Examiner requested that the specification be updated to include reference to application 10/726,295, and any other related applications currently pending before the U.S. Patent & Trademark Office. (Office Action, page 3). Applicant has amended the specification above as requested. The amendments add no new matter. Applicant requests that the Examiner remove the objections to the specification.

Rejection of Claims 14-20 Under 35 USC § 101

The Examiner rejected claims 14-20 under 35 USC § 101 as being directed to non-statutory subject matter. (Office Action, pages 3-4). Of these, claim 14 is independent and claims 15-19 depend, either directly or indirectly, from claim 14. Applicant has canceled claim 20. While Applicant does not concede the correctness of the rejection, to advance prosecution, Applicant has amended claim 14 to recite "computer readable medium having embedded thereon executable instructions that when executed . . . ." Applicant believes that the Examiner's concerns have been addressed, and Applicant requests that the Examiner remove the non-statutory subject matter rejections of claims 14-19.

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Provisional Rejection of Claims 1-20 for Double Patenting

The Examiner provisionally rejected claims 1-20 on the ground of nonstatutory obviousness-type double patenting over claims 1-65 of Application No. 10/726,295. (Office Action, page 5). Applicant notes that Application No. 10/726,295 does not include claims 1-65. The Examiner noted that the rejection is provisional because the conflicting claims have not in fact been patented. (Office Action, page 5).

Applicant notes the Examiner's concern, and will address the issue by filing a terminal disclaimer at an appropriate future time if and when the claims from copending Application No. 10/726,295 issue.

Rejection of Claims 1-20 Under 35 USC § 102

The Examiner rejected claims 1-20 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,405,219 to Saether et al. ("Saether"). Of these, claims 1, 8 and 14 are independent. Pending dependent claims 2-6, 9-13, and 15-19 depend respectively from independent claims1, 8 and 14, either directly or indirectly. Without prejudice, Applicant has amended each of the independent claims. The amendments add no new matter. Applicant submits that independent claims 1, 8 and 14, as amended, each define subject matter that is patentable over the cited art, including Saether, as do the pending dependent claims.

Saether relates to updating the version of a set of files stored on content servers. (Title). A "primary" global server "copies only those source files from the source server that are determined to be different than the set of source files stored in the versioned file tree repository on the primary global server." (Col. 7, lines 1-5). The primary global server and each secondary global server "create a content change container for each local content server and copy new and/or changed source files to . . . the corresponding local content server" based on the version of the set of source files identified in the version delivery list. (Col. 7, lines 38-45). "[A]nother

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copy of a previously copied and unchanged version of a source file is not included in the current version of source files that are copied." (Col. 7, lines 45-50).

Claims 8-13

Applicant submits that amended claim 8 defines subject matter that is patentable over Saether because Saether does not disclose or suggest a method that includes all of the elements recited in Applicant's claim 8. For example, Saether fails to disclose or suggest a method that includes generating and sending to each of multiple application systems that maintain a version of a data set "a message containing the modified data set as locally stored in the first application system," where the modified data set includes "multiple attribute components, wherein each of the multiple attribute components are associated with a different one of the multiple application systems that maintain a version of the data set," as recited in Applicant's amended claim 8.

In rejecting claim 8, the Examiner cited language from Saether pertaining to three types of updates that the Saether system can perform. (Office Action, pages 6-8). Saether discloses a first technique for updating a content server when a source file is changed on a source server, a second technique for rolling back versions of source files on content servers when a user indicates that a current version should be rolled back to a previous version, and a third technique for copying source files to a new global server when the server is added to the network. None of these techniques, either alone or in combination, disclose or suggest the method recited in Applicant's claim 8.

For example, Saether's first technique for updating a content server when a source file is changed on a source server involves merely "copy[ing] of new and/or changed source files to . . . the corresponding local content server," (Col. 7, lines 38-45), where "another copy of a previously copied and unchanged version of a source file is not included in the current version of source files that are copied." (Col. 7, lines 45-50, emphasis added). Thus, a given Saether container does not include a message that includes a data value or change value associated with any system that did not modify a source file, but which nevertheless maintains a version of the source file. Saether's second technique for rolling back versions of source files, (see Col. 5, lines 30-43), and third technique for copying source files to a new global server when the server is

added to the network, (*see* Col. 3, lines 40-49), similarly do not include a message that includes a data value or change value associated with each of the systems, and do not include "modifying an attribute of a data set stored locally in a first application system," as recited in Applicant's claim 8.

Neither does Saether render obvious the method recited in Applicant's claim 8. While the method recited in Applicant's claim 8 involves updating a data set using attribute components that are each associated with a different one of multiple application systems, Saether discloses and suggests only updating source files. An advantage of Applicant's method is that, "[b]y including in the update message all of the data values and change values in the modifying system's data set, any inconsistencies that may exist among data sets of the multiple systems in the network due to delayed or lost messages may be repaired." (*see* Applicant's specification as originally filed at page 4, lines 16-19 and page 10, lines 13-24). As such, a level of robustness may be provided that may not be possible without the inclusion in the message of a data value and a change value associated with each of the systems.

In addition, Saether teaches away from Applicant's claimed subject matter, and in particular teaches away from including additional information in the message, noting "another copy of a previously copied and unchanged version of a source file is not included in the current version of source files that are copied." (Col. 7, lines 45-50). Also, Saether's method of updating is completely different from Applicant's, as Saether uses a "primary global server" to copy a new or changed file from a source server where the change occurred into the primary global server and then send a container to a secondary global server and eventually to a local content server, in contrast to Applicant's method where the modifying system may send the message directly to the other systems.

For at least these reasons, claim 8 defines subject matter that is patentable over the cited references, including Saether, as do dependent claims 9-13. Accordingly, Applicant requests that the Examiner remove the anticipation rejections of these claims.

Claims 1-7

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Applicant submits that amended claim 1 defines subject matter that is patentable over Saether because Saether does not disclose or suggest a method that includes all of the elements recited in Applicant's claim 1.

First, as described above with respect to claim 8, Saether does not disclose or suggest a method that includes a message that includes an attribute component associated with the second (i.e., receiving) application system. Also, Saether does not disclose or suggest "for each attribute component of the received data set, comparing the attribute component's change value as stored locally in the second application system with the attribute component's change value as contained in the received data set," and replacing the attribute component's data value stored locally in the second application if appropriate.

The Examiner cited Saether's disclosure of names, sizes, time stamps, and comparisons involving them in rejecting claim 1. (Office Action, pages 11-12). This is not correct. While Saether discloses a name, time stamp and size, and comparisons using them, (Col. 8, lines 7-22), the Saether names, time stamps and sizes are associated not with an "individual attribute component of the received data set," but rather with an entire source file. (*Id.*). Also, the Saether name, attribute and time stamp are each associated with the source file server on which the source file was created or modified, and are not associated with the primary global server or any other server in the Saether system. That is, Saether fails to disclose or suggest, as recited in claim 1, receipt of a message "wherein the message received by the second application system from the first application system includes the attribute component associated with the second application system."

Saether also fails to render Applicant's claim 1 obvious for at least the reasons described above with reference to claim 8.

Thus, for at least these reasons, claim 1 defines subject matter that is patentable over the cited references, including Saether, as do dependent claims 2-6. Accordingly, Applicant requests that the Examiner remove the anticipation rejections of these claims.

Claims 14-20

Claim 14, as well as dependent claims 15-19, are patentable over Saether for at least the reasons described above with respect to claims 1-7. Accordingly, Applicant requests that the Examiner remove the anticipation rejections of claims 14-19.

CONCLUSION

For the reasons stated above, Applicant submits that claims 1-6 and 8-19 are in condition for allowance and requests that the Examiner issue a notice of allowance.
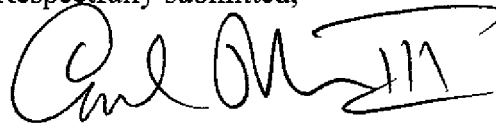
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9-19-07

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